

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN DOE,
Plaintiff,

v.

KELSEY LONG, et al.,
Defendants.

Case No. 20-cv-01536-KAW

ORDER TO SHOW CAUSE

This action was filed on February 28, 2020. (Dkt. No. 1.) Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff has 90 days to complete service of the complaint and summons on Defendant, such that May 28, 2020 was the last day to complete service or to file a Motion for Administrative Relief from the deadline pursuant to Civil L.R. 7-11.

On June 22, 2020, a proof of service of the summons was filed, stating service of the summons was performed on May 28, 2020. (Dkt. No. 19.) On July 9, 2020, the Court issued an order, observing that a summons was never issued by the Court and that Rule 4(a) requires that the summons be signed by the clerk and bear the clerk's seal. (Dkt. No. 20.) Thus, it did not appear service was effective. The Court further observed that Plaintiff had filed a "personalized handwritten summons," which was never issued because it appeared to contain improper language. (*Id.* at 1.) Accordingly, the Court extended the deadline to complete service by sixty days and ordered Plaintiff to properly fill out and submit the form summons. (*Id.*) The Court warned that failure to serve the summons, signed by the clerk and bearing the clerk's seal, would result in the Court issuing an order to show cause as to why the case should not be dismissed for failure to serve. (*Id.* at 1-2.)

As of the date of this order, Plaintiff has not submitted a proper summons. Plaintiff's only

filings since the Court's July 9, 2020 order have been two "Affidavits of Nonservice." (Dkt. Nos. 21, 22.)¹


Accordingly, the Court ORDERS Plaintiff to show cause within **thirty days** of the date of this order why this case should not be dismissed for failure to serve. Failure to timely respond will result in the Court reassigning the case to a district judge with the recommendation that the case be dismissed.

Again, the Court refers Plaintiff to the Federal Pro Bono Project's Help Desk—a free service for *pro se* litigants—by calling (415) 782-8982. There, he can receive assistance from a licensed attorney. Plaintiff may also wish to consult the Court's manual for use by *pro se* litigants. This manual, and other free information is available online at:

<http://cand.uscourts.gov/proselitigants>.

IT IS SO ORDERED.

Dated: November 6, 2020


KANDIS A. WESTMORE
United States Magistrate Judge

¹ Neither affidavit identifies the documents Plaintiff was attempting to serve.